

08:992 504



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APPLICATION NO. 08/992,504	FILING DATE / 97 12/11/97	FIRST NAMED INVENTOR HOLLAND	E	ATTORNEY DOCKET NO.
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PM82/0220

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ABUZE	PAPER NUMBER
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DATE MAILED:

Please find below and/or attached an Office communication concerning this application or proceeding.

Commissioner of Patents and Trademarks

Office Action Summary	Application No. 08/992,504	Applicant(s) HOLLAND ET AL.	
	Examiner Alfred Joseph Wujciak	Art Unit 3632	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136 (a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 26 June 2000.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 47-74 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 47-74 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claims _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are objected to by the Examiner.
- 11) ☐ The proposed drawing correction filed on _____ is: a) ☐ approved b) ☐ disapproved.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. § 119

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgement is made of a claim for domestic priority under 35 U.S.C. § 119(e).

Attachment(s)

- 15) ☐ Notice of References Cited (PTO-892)
- 16) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 17) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) _____
- 18) ☐ Interview Summary (PTO-413) Paper No(s). _____
- 19) ☐ Notice of Informal Patent Application (PTO-152)
- 20) ☐ Other:

DETAILED ACTION

This is the final Office Action for the serial number 08/992,504, Support Stand for Holding Display Items, filed on 12/17/97.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 47-55 and 57-60 are rejected under 35 U.S.C. 103(a) as being unpatentable over US Patent # 1,715,722 to Smith et al.

With respect to claims 47-49, 51-55 and 57-59, Smith discloses a support stand comprising a continuous ground engaging flat metal base (10,11). A permanently fixed, metal, L-shaped vertical support member (15) having a flat bottom portion (18). A non-fixed metal, L-shaped vertical support member (19) having a flat bottom portion (20). The vertical support members having upright portion (16) with flat planar surface. The upright portion of each the vertical supports member remaining perpendicular to the base at any point of adjustment. Wherein an aperture (see figure 1) exists between the vertical support members. The flat base (10, 11) having an elongated rectangular shape. A threaded fixed guide pin (22) which communicates with a guide slot (21) in the flat bottom portion (20) providing means of slidable adjusting, connecting and affixing the vertical support member.

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Smith teaches a support stand wherein only one of the two vertical support members has a slot and is slidable with respect to the base. It would have been obvious to one of ordinary skill in the art at the time the invention was made to have included slots in both vertical support members in order to support a support member at different positions along a base member. Alternatively, it would have been obvious as a matter of design choice to have modified the support stand to have slots in both vertical members, since the applicant has not disclosed that having this feature solves any stated problem, is for any particular purpose, or it appears that it would not perform equally well without this feature.

With respect to claims 50 and 60, it would have been obvious to one of ordinary skill in the art at the time the invention was made to have coated the flat base and vertical support members with a rust resistant plating material in order to make the support stand resistant to corrosion.

Claims 61-69 and 71-74 are rejected under 35 U.S.C. 103(a) as being unpatentable over Smith in view of US Patent # 3,861,662 to Morse.

With respect to claims 61-63, 65-69 and 71-73, Smith, as applied to claim 47, teaches all elements except wherein the base has wheels. Morse teaches a support stand including L-shaped vertical support members (20,21) and a flat base (12) having wheels (16). It would have been obvious to one of ordinary skill in the art at the time the invention was made to have included wheels because one would have been motivated, in view of Morse, to provide a means to facilitate moving item supported on a support stand.

With respect to claims 64 and 74, it would have been obvious to one of ordinary skill in the art at the time the invention was made to have coated the flat base and vertical support members with a rust resistant plating material in order to make the support stand resistant to corrosion.

Claim 56 is rejected under 35 U.S.C. 103(a) as being unpatentable over Smith in view of US Patent # 5,822,918 to Helfman et al.

Smith, as applied to claim 47, teaches all elements except a tri-spoked manual adjustment knob. Helfman teaches the use of an internally bi-spoked manual adjustment knob (46) used to tighten down on a threaded guide pin. It would have been obvious to one of ordinary skill in the art at the time the invention was made to have included an internally threaded bi-spoked manual adjustment knob because one would have been motivated, in view of Helfman, to have provided a means to facilitate the manual turning and tightening of one threaded member with respect to a second, oppositely threaded member. It would have been obvious as a matter of design choice to have modified the adjustment knob (46) to be tri-spoked instead of bi-spoked, since the applicant has not disclosed that having this feature solves any stated problem, is for any particular purpose, or it appears that the adjustment knob (46) would not perform equally well without being tri-spoked.

Claim 70 is rejected under 35 U.S.C. 103(a) as being unpatentable over Smith in view of Helfman and further view of Morse. Smith in view of Helfman, as applied to claim 56, teaches all elements except a base having wheels. Morse teaches a support stand including L-shaped vertical support members (20,21) and a flat base (12) having

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wheels (16). It would have been obvious to one of ordinary skill in the art at the time the invention was made to have included wheels because one would have been motivated, in view of Morse, to have provided a means to facilitate moving an item supported on a support stand.

Response to Arguments

Applicant's arguments filed 6/26/00 have been fully considered but they are not persuasive.

With respect to applicant's argument on page 19 in the last paragraph of Amendment B, stating that Smith does not teach all elements that were recited in claim 19 of the application. The examiner believes that Smith does teach all elements such as continuous ground engaging flat base (10), slotted vertical support members (19) with an upright portion (16) and base portion (20), means of slidably (20), and means of affixing (22).

On page 21 in the last paragraph of Amendment B, the applicant argues that Smith does not teach the vertical support members having L-shape. The examiner believes that Smith does teach the vertical support members having L-shape (see figure 2). The intention of having a L-shape support members in Smith's invention is support the weight of an object, otherwise the support members would collapse.

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Conclusion

THIS ACTION IS MADE FINAL. Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).


A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Joey Wujciak whose telephone number is (703) 306-5994. This examiner uses a Text-Telephone –Device for the Deaf (TDD). Please first dial the Federal Relay Service at 1-800-877-8339 and give the operator the examiner's telephone number. The examiner can be reached through e-mail, the address is Joey.Wujciak@uspto.gov. The fax machine telephone number for the Technology Center is (703) 308-3519 or (703) 308-3636.

Joey Wujciak



February 15, 2001



LESLIE A. BRAUN
SUPERVISORY PATENT EXAMINER